

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KRUMMHOLZ INTERNATIONAL INC.
and SWISSDIGITAL USA CO., LTD.,

**NOTICE OF MOTION TO
DISMISS AGAINST WENGER
S.A. PURSUANT TO FED R.
CIV. P. 12(b)(1)**

Plaintiffs,

-vs-

WENGER S.A.,

Docket No. 1:15-cv-86-WMS

Defendant.

MOTION BY:

Defendant **WENGER S.A.**, by its attorneys, Connors & Vilardo, LLP and Day Pitney LLP.

**DATE, TIME & PLACE
OF HEARING:**

At a date and time to be scheduled by the Court, before the Hon. William M. Skretny, United States District Court, 2 Niagara Square, Buffalo, New York 14202.

Oral argument is requested.

**SUPPORTING
PAPERS:**

Declaration of Richard H. Brown, with exhibits; and Memorandum of Law.

**Notice is hereby given pursuant to Local Rule 7(a)(1)
that Defendant intends to reply.**

**RELIEF REQUESTED &
GROUNDS FOR RELIEF:**

An Order of this Court dismissing the claims in the Complaint against Wenger S.A. because:

- (1) This Court lacks subject matter jurisdiction over Wenger S.A. under Fed. R. Civ. P. 12(b)(1) with regard to the claims for declaratory relief (Claims 2, 3, 4 and 5) and the claim for cancellation under the Lanham Act (Claim 1); and

(2) For any additional relief this Court deems just and proper.

DATED: Buffalo, New York
August 13, 2015

s/James W. Grable, Jr.
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